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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

China and Cuba*: draft resolution

Human rights and unilateral coercive measures

The General Assembly,

Recalling all its previous resolutions on this subject, the most recent of which was resolution 70/151 of 17 December 2015, and Human Rights Council decision 18/120 of 30 September 2011[1] and resolutions 24/14 of 27 September 2013,[2] 27/21 of 26 September 2014[3] and 30/2 of 1 October 2015,[4] as well as previous resolutions of the Council and the Commission on Human Rights,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report of the Special Rapporteur of the Human Rights Council on the negative impact of unilateral coercive measures on the enjoyment of human rights, submitted pursuant to General Assembly resolution 70/151,[5] and

* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

[1] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and Corr.1), chap. III.

[2] Ibid., *Sixty-eighth Session, Supplement No. 53A* (A/68/53/Add.1), chap. III.

[3] Ibid., *Sixty-ninth Session, Supplement No. 53A* and corrigendum (A/69/53/Add.1 and Corr.1 and 2), chap. IV, sect. A.

[4] Ibid., *Seventieth Session, Supplement No. 53A* (A/70/53/Add.1), chap. III.

[5] A/71/287.

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recalling the reports of the Secretary-General on the implementation of Assembly resolutions 52/120 of 12 December 1997[6] and 55/110 of 4 December 2000,[7]

Stressing that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and in this regard reaffirming the right to development as an integral part of all human rights,

Recalling the Final Document of the Sixteenth Ministerial Conference and Commemorative Meeting of the Movement of Non-Aligned Countries, held in Bali, Indonesia, from 23 to 27 May 2011,[8] the Final Document of the Seventeenth Conference of Heads of State or Government of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, from 13 to 18 September 2016, and the documents adopted at previous summits and conferences, in which States members of the Movement agreed to oppose and condemn those measures or laws and their continued application, persevere with efforts to effectively reverse them, urge other States to do likewise, as called for by the General Assembly and other organs of the United Nations, and request States applying those measures or laws to revoke them fully and immediately,

Recalling also that, at the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, States were called upon to refrain from any unilateral measure not in accordance with international law and the Charter that creates obstacles to trade relations among States and impedes the full realization of all human rights[9] and also severely threatens the freedom of trade,

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995,[10] the Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women on 15 September 1995,[11] the Quito Declaration on Sustainable Cities and Human Settlements for All and the Quito Implementation Plan for the New Urban Agenda, adopted by the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) on 17 October 2016, and in the outcome document of the United Nations summit for the adoption of the 2030 Agenda for Sustainable Development,[12]

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and

[6] A/53/293 and Add.1.

[7] A/56/207 and Add.1.

[8] A/65/896-S/2011/407, annex I.

[9] See A/CONF.157/24 (Part I), chap. III.

[10] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[11] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[12] Resolution 70/1.

the Charter of the United Nations that impede the full achievement of economic and social development, particularly in developing countries,

Expressing concern about the negative impact of unilateral coercive measures on international relations, trade, investment and cooperation,

Expressing grave concern that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women, children, including adolescents, the elderly and persons with disabilities,

Deeply concerned that, despite the recommendations adopted on this question by the General Assembly, the Human Rights Council, the Commission on Human Rights and recent major United Nations conferences, and contrary to general international law and the Charter, unilateral coercive measures continue to be promulgated and implemented, with all their negative implications for the social humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Bearing in mind all the extraterritorial effects of any unilateral legislative, administrative and economic measures, policies and practices of a coercive nature against the development process and the enhancement of human rights in developing countries, which create obstacles to the full realization of all human rights,

Reaffirming that unilateral coercive measures are a major obstacle to the implementation of the Declaration on the Right to Development,[13]

Recalling article 1, paragraph 2, common to the International Covenant on Civil and Political Rights[14] and the International Covenant on Economic, Social and Cultural Rights,[14] which provides, inter alia, that in no case may a people be deprived of its own means of subsistence,

Noting the continuing efforts of the open-ended Working Group on the Right to Development of the Human Rights Council, and reaffirming in particular its criteria, according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,

1. *Urges* all States to cease adopting or implementing any unilateral measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature, with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of

[13] Resolution 41/128, annex.

[14] See resolution 2200 A (XXI), annex.

Human Rights[17] and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Strongly urges* States to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter that impede the full achievement of sustainable economic and social development, particularly in developing countries;

3. *Condemns* the inclusion of Member States in unilateral lists under false pretexts, which are contrary to international law and the Charter, including false allegations of terrorism sponsorship, considering such lists as instruments for political or economic pressure against Member States, particularly developing countries;

4. *Urges* all States not to adopt any unilateral measures not in accordance with international law and the Charter that impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for his or her health and well-being and his or her right to food, medical care and education and the necessary social services, as well as to ensure that food and medicine are not used as tools for political pressure;

5. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States, and in this context calls upon all Member States neither to recognize those measures nor to apply them, as well as to take administrative or legislative measures, as appropriate, to counteract the extraterritorial applications or effects of unilateral coercive measures;

6. *Condemns* the continuing unilateral application and enforcement by certain Powers of unilateral coercive measures, and rejects those measures, with all their extraterritorial effects, as being tools for political or economic pressure against any country, in particular against developing countries, adopted with a view to preventing those countries from exercising their right to decide, of their own free will, their own political, economic and social systems, and because of the negative effects of those measures on the realization of all the human rights of vast sectors of their populations, in particular children, women, the elderly and persons with disabilities;

7. *Expresses grave concern* that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women, children, including adolescents, the elderly and persons with disabilities;

8. *Reaffirms* that essential goods such as food and medicines should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

[17] Resolution 217 A (III).

9. *Calls upon* Member States that have initiated such measures to abide by the principles of international law, the Charter, the declarations of the United Nations and w rld conferences and relevant resolutions and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by revoking such measures at the earliest possible time;

10. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

11. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to General Assembly resolution 2625 (XXV) of 24 October 1970, and the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States, proclaimed by the Assembly in its resolution 3281 (XXIX), in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

12. *Rejects* all attempts to introduce unilateral coercive measures, and urges the Human Rights Council to take fully into account the negative impact of those measures, including through the enactment and extraterritorial application of national laws that are not in conformity with international law, in its task concerning the implementation of the right to development;

13. *Requests* the United Nations High Commissioner for Human Rights, in discharging his functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in his annual report to the General Assembly;

14. *Underlines* the fact that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development,[11] and in this regard calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of national laws that run counter to the principles of free trade and hamper the development of developing countries, as recognized by the open-ended Working Group on the Right to Development of the Human Rights Council;

15. *Recognizes* that, in the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva from 10 to 12 December 2003,[16] States were strongly urged to avoid and refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations in building the information society;

16. *Reaffirms* paragraph 30 of the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, entitled "Transforming our world: the 2030 Agenda for Sustainable Development",[12] in which States are strongly urged to refrain from promulgating and applying any

[16] A/C.2/59/3, annex, chap. I, sect. A.

unilateral economic, financial or trade measures not in accordance with international law and the Charter of the United Nations that impede the full achievement of economic and social development, particularly in developing countries;

17. *Recalls* the decision of the Human Rights Council, in its resolution 27/21,[3] to appoint a Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, and welcomes the work done in delivering his mandate;

18. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Special Rapporteur, and also requests them, in discharging their functions in relation to the promotion and protection of human rights, to pay due attention and to give urgent consideration to the present resolution;

19. *Recalls* that the Human Rights Council took note of the research-based progress report of its Advisory Committee containing recommendations on mechanisms to assess the negative impact of unilateral coercive measures on the enjoyment of human rights and to promote accountability;[17]

20. *Takes note* of the contribution of the first biennial panel discussion on the issue of unilateral coercive measures and human rights organized by the Human Rights Council in 2015 to increase awareness of the negative impact that unilateral coercive measures have on the enjoyment of human rights in the targeted and non-targeted countries, and invites the Council to follow up on the discussion at the upcoming second biennial panel in 2017;

21. *Invites* the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights to continue paying attention and explore ways to address the negative impact of the application of unilateral coercive measures;

22. *Reiterates its support* for the invitation of the Human Rights Council to all special rapporteurs and existing thematic mechanisms of the Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

23. *Takes note with interest* of the proposals contained in the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights,[5] and requests the Special Rapporteur to include in his report to the General Assembly at its seventy-second session more information on the process regarding the discussions of his proposals at the Human Right Council;

24. *Reaffirms* the request of the Human Rights Council that the Office of the United Nations High Commissioner for Human Rights organize a workshop on the impact of the application of unilateral coercive measures on the enjoyment of human rights by the affected populations, in particular their socioeconomic impact on women and children, in the States targeted;

[17] A/HRC/28/74.

25. *Requests* the Special Rapporteur to submit to the General Assembly at its seventy-second session a report on the implementation of the present resolution and on the negative impact of unilateral coercive measures on the full enjoyment of human rights;

26. *Invites* Governments to cooperate fully with the Special Rapporteur in the fulfilment of his mandate through, inter alia, the submission of comments and suggestions on the implications and negative effects of unilateral coercive measures on the full enjoyment of human rights;

27. *Decides* to examine the question on a priority basis at its seventy-second session, under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms" of the item entitled "Promotion and protection of human rights".